

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE
NEW YORK, N.Y. 10016-1503

ELLIOT L. HOFFMAN
MYRON BELDOCK
BRUCE E. TRAUNER*
PETER S. MATORIN
KATHERINE G. THOMPSON
CYNTHIA ROLLINGS
JONATHAN MOORE*^A
KAREN L. DIPPOLD
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT^D

TEL: (212) 490-0400
FAX: (212) 557-0565
WEBSITE: blhny.com

LAWRENCE S. LEVINE (1934-2004)
COUNSEL
MARJORIE D. FIELDS
JODY L. YETZER

REF:

WRITER'S DIRECT CONTACT:
(212) 277-5823
jmoskovitz@blhny.com

WRITER'S DIRECT DIAL:
ALSO ADMITTED IN:
*CALIFORNIA
▲ILLINOIS
* FLORIDA
♦NEW JERSEY

June 9, 2014

VIA ECF AND EMAIL

Honorable Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street, Room 730
New York, NY 10007

Re: *Brown v. City of New York et al.*, No. 13-cv-01018 (KBF)

Dear Judge Forrest:

We represent plaintiff Imani Brown in this civil rights case. This Court had previously set June 23, 2014 as the trial date in this matter. However, on May 20, 2014, we were advised that due to the pendency of a trial in *Gonzalez v. City of New York, et al.*, 13 Civ. 3593 (DLC), involving some of the same counsel as in this case, the trial in *Gonzalez* would go forward on June 23, 2014 and the trial in *Brown* would, in effect, be adjourned, although no new date for trial in *Brown* was scheduled. Following these events, the parties in *Gonzalez* have apparently reached a resolution of that case, and the parties are in the process of memorializing that settlement in the appropriate written form. We write now to request that this Court set a new trial date, although we would request that, given the considerations set forth below, the Court not set June 23 as the trial date.

First and foremost, because of unique work commitments Ms. Brown will not be available for trial the week of June 23rd. Ms. Brown, who now lives and works in New Orleans, is the Manager of Publications for Prospect New Orleans, the largest international biennial of contemporary art in the United States. She is responsible for coordinating and overseeing the production of two catalogues for the third iteration of Prospect New Orleans. One catalogue will include more than sixty artists, six essays of several thousand words each, sixty shorter essays, biographies, captions, lists of donors, acknowledgments, and other materials. The second

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catalogue will include a monograph of Jean-Michel Basquiat for the first ever exhibition of his work in New Orleans. June 27, 2014, is the date that all materials for the catalogues must be completed. Ms. Brown is the sole staff member working on the Prospect New Orleans catalogues and the only person responsible for coordinating the many aspects of their production. Her job—particularly the week of June 23 as the catalogues are being finalized—requires her to be in constant communication with more than sixty artists, their galleries, and studios; more than thirty authors; the design team; the publishing team; the copyeditor; Prospect New Orleans' Artistic Director and curatorial staff; and many other individuals. It will be impossible for Ms. Brown to be away from her work in New Orleans the week of June 23. We had drafted an earlier request for adjournment based on these circumstances, but in light of Judge Cote's order in *Gonzalez* effectively adjourning trial in this case, we held off on advising the Court of these facts.

Second, it now turns out that lead trial counsel for the plaintiff in this case, Jonathan Moore, will also be unavailable for trial the week of June 23rd because of unavoidable and unexpected medical testing that he is scheduled to undergo during that period. These issues have only arisen in the past few days. We, therefore, respectfully request that this trial be adjourned to take place either the last two weeks in July or any time after the second week of September and that the schedule for pretrial submissions be adjusted accordingly.

Third, Defendants' motion for summary judgment is still pending. It would seem prudent in the circumstances to adjourn trial and the pretrial submissions and pretrial conference until that motion has been decided.

We have consulted with counsel for the City and they take no position on this request. We appreciate the Court's attention to this request.

Sincerely,



Jonathan C. Moore
Joshua S. Moskovitz

cc: Virginia Nimick (by ECF)
Andrew Lucas (by ECF)